



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/216,078	12/18/98	NI	C 016517-00380

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EXAMINER

GARCIA, J

ART UNIT

PAPER NUMBER

2823

DATE MAILED: 07/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/216,078

Applicant(s)
Hsinchu et al

Examiner
Joannie Adelle Garcia

Art Unit
2823



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/17/01
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 4-16, and 20-32 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 4-16, and 20-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2, 4, 5, 8, 9, and 32, are rejected under 35 U.S.C. 102(e) as being anticipated by Grider et al.

The rejection is maintained as stated in the Office Action mailed 6-27-01, and as stated below.

Applicant argues that Grider et al does not teach providing two regions directly adjacent to each other. Applicant is directed to Grider et al, Column 1, lines 30-38. The mask that defines the thick oxide area also defines the thin oxide area.

Grider et al discloses providing a substrate 30 having a first region 14 and a second region 12, introducing fluorine into the substrate to form a higher concentration in the first region than the second region, placing the substrate in an oxidizing environment, wherein an oxide layer forms on the substrate with a first thickness over the first region and a second thickness over the second region, in a single step, forming a conductive layer disposed above the first region and the second region, and removing portions of the oxide layer and the conductive layer to form gate structures disposed over the substrate. (Figures 1, 4 and 5, Column 2, lines 38-39, Column 3, lines 11-16, 21-26, 34-41, 49-56, and 62-67, and Column 4, lines 8-11, and 19-25).

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Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grider et al as applied to claims 2, 4, 5, 8, 9, and 32 above.

The rejection is maintained as stated in the Office Action mailed 6-27-01.

Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grider et al as applied to claims 2, 4, 5, 8, 9, and 32 above.

The rejection is maintained as stated in the Office Action mailed 6-27-01.

Claims 6, 7, and 20-31, are rejected under 35 U.S.C. 103(a) as being unpatentable over Grider et al as applied to claims 2, 4, 5, 8, 9, and 32 above.

The rejection is maintained as stated in the Office Action mailed 6-27-01, and as stated below.

Applicant fails to understand how the expectation of obtaining disadvantages or disclosure of concomitant and disadvantages from the cited art renders applicant's claims obvious. However, if a reference discloses or suggests that a process has utility although also having disadvantages this is sufficient disclosure or suggestion to perform the process.

The examiner does not confirm applicant was refused clarification of the Office Action mailed 6-27-01. Such telephone interviews are granted.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. **See MPEP 203.08.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner J. Garcia whose telephone number is (703) 306-5733. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (703) 308-4918. The fax number for this group is (703) 308-7722 (and 7724), and (703) 305-3431 (and 3432). MPEP 502.01 contains instructions regarding procedures used in submitting responses by facsimile transmission.


JAG

July 27, 2001


George Fourson
Primary Examiner
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